

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

Joseph A Fraizer,)
Plaintiff,)
vs.) Case No. 11-0074-CV-W-FJG
Omni Insurance Company,)
Defendant.)

Omni Insurance Company,)
Counterclaim/Interpleader Plaintiff)
vs.)
Joseph A. Frazier,)
Counterclaim/Interpleader Defendant,)
Freddy Hill, Carmelita Hudson, and)
Alicia Paige,)
Interpleader Defendants.)

ORDER

Pending before the Court is an Entry of Appearance and Motion to Extend Time for Answer (Doc. No. 41) for interpleader defendant Carmelita Hudson. Interpleader defendant Hudson seeks an extension of time of seven days, up to and including September 19, 2011, for her newly-entered counsel to review case pleadings and documents and file an answer in this matter.

For good cause shown, interpleader defendant Hudson's motion (Doc. No. 41) will be **GRANTED**. Interpleader defendant Hudson shall answer or otherwise respond to the interpleader complaint on or before **SEPTEMBER 19, 2011**.

Additionally, the Court had set a settlement hearing for September 20, 2011 at 9:00 a.m. The purported settlement reached in this case did not include interpleader defendant Hudson, who at the time settlement was reached had not filed an answer and

was not represented by counsel. Obviously, with interpleader defendant Hudson obtaining counsel and filing an answer in the near future, a settlement hearing would be premature. Accordingly, in order for the parties to have additional time to review their options (and, if necessary, include interpleader defendant Hudson in their negotiations), the settlement hearing will be rescheduled for **Thursday, November 3, 2011, at 9:00 a.m.** in Courtroom 7C. In addition, in order to control its docket, the Court **ORDERS** the parties to file a joint status report on or before **Thursday, October 27, 2011**, indicating whether they will be prepared for the settlement hearing on November 3, 2011, or whether they will need additional time to accomplish settlement.

Finally, interpleader defendant Freddy Hill was ordered to file an answer on or before Monday, September 12, 2011. Interpleader defendant Freddy Hill was cautioned that failure to do so may result in default judgment against him. Nonetheless, to-date interpleader defendant Freddy Hill has failed to answer or otherwise respond to the interpleader complaint, and has failed to seek an extension of time in which to do so. Accordingly, interlocutory default is entered against interpleader defendant Freddy Hill, with the consequences of default judgment to be assessed at the close of this case.

IT IS FURTHER ORDERED that the Clerk of the Court send a copy of this order via regular and certified mail to interpleader defendant at the following address: Freddy Hill, 3606 Voltaire, Memphis, TN 38126.

IT IS SO ORDERED.

/S/ FERNANDO J. GAITAN, JR.

Fernando J. Gaitan, Jr.
Chief United States District Judge

Dated: 9/15/2011
Kansas City, Missouri